

## **REMARKS**

The specification is objected to. Claims 1-5, 8-10, 19, 22, 23, 26-28, 31-33, and 37 stand rejected under 35 U.S.C. § 103(a) as unpatentable over US Publication 2005/0027863 by Talwar et al. (Talwar) in view of US Publication 2004/0093381 by Hodges et al. (Hodges). Claims 6, 7, 12, 13, 20, 21, 24, 29, 30, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Talwar in view of Hodges and in further view of US Patent 6,460,082 to Lumelsky et al. (Lumelsky). Claims 11, 14, 15, 17, 18, and 34 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Talwar in view of Hodges and in further view of US Publication 2004/0064480 by Bartlett et al. (Bartlett). Claims 16 and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Talwar in view of Hodges, Bartlett, and Lumelsky.

Applicants thank the Examiner for the telephone interview of November 24, 2008. We discussed the present invention and a proposed amendment.

## **Objections to the Specification**

The specification is objected to for not disclosing "computer readable storage medium." Applicants have amended claims 26-36 to be directed to a memory device storing executable code executed by a processor. The amendment is well supported by the specification. See page 8, ¶ 31. Applicants submit that as amended claims 26-36 are directed to statutory subject matter under 35 U.S.C. § 101 and that the objection to the specification is cured.

### Amendments to the Claims

Applicants have amended claim 1 with the limitations "...a global parameter module configured to dynamically ~~update~~change the performance parameter according to the parameter control request during a concurrent grid system operation, the performance parameter corresponding to a performance resource; and a global reservation module configured to reserve the performance resource with the updated performance parameter for ~~a~~the grid computing operation." The amendment is well supported by the specification. See page 10, ¶ 37; pages 23-24, ¶ 82. Claims 14, 19, 22, 25, 26, and 37 are similar amended.

Applicants have amended claim 2 with the limitations of claim 3. Claim 3 is canceled. Claim 5 is amended to specify the client performance parameter comprises each of the listed parameters as is well supported by the specification. See fig. 7. Applicants have also added new claim 38 which includes the limitations of claim 14. In addition, claims 7, 25, and 30 are amended to cure an informality.

### Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 1-5, 8-10, 19, 22, 23, 26-28, 31-33, and 37 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Talwar in view of Hodges. Claims 6, 7, 12, 13, 20, 21, 24, 29, 30, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Talwar in view of Hodges and in further view of Lumelsky. Claims 11, 14, 15, 17, 18, and 34 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Talwar in view of Hodges and in further view of Bartlett. Claims 16 and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Talwar in view of Hodges,

in view of Hodges, Bartlett, and Lumelsky. Applicants respectfully traverse these rejections.

Claim 1 as amended includes the limitations:

“...a global user input module configured to allow a user to input a parameter control request, the parameter control request corresponding to a performance parameter stored in a profile in a memory device of the grid computing system;

a global parameter module configured to **dynamically update the performance parameter according to the parameter control request during a concurrent grid system operation**, the performance parameter corresponding to a performance resource; and

a global reservation module configured to reserve the performance resource with the updated performance parameter for the grid computing operation.” Emphasis added.

Independent claims 14, 19, 22, 25, 26, and 37 include similar limitations. Applicants submit that the present invention is distinguished from Talwar and Hodges in claiming the dynamic updating of performance resources according to a parameter control request during a concurrent grid system operation.

In contrast, Talwar teaches generating a contract/service level agreement that is submitted to a grid scheduler, which initially allocates resources. Talwar, page 2, ¶ 20; page 3, ¶ 28. After creation of the contract/service level agreement, the contract/service level agreement is stored in a contract repository. Talwar, page 2, ¶ 23; fig. 3, ref. 310. There is no teaching in Talwar of updating performance parameters (service level agreement) during concurrent grid system operation. Instead, Talwar teaches away from the dynamic updating of performance resources according to a parameter control request during a concurrent grid system operation by stating the “...the contract is enforced for this session.” Talwar, page 3, ¶ 28, last line. Thus Talwar clearly teaches that the contract is not altered after a session is commenced.

Hodges also does not disclose the dynamic updating of performance resources according to a parameter control request during a concurrent grid system operation. Instead Hodges teaches a resource broker negotiating for resources and then action being taken. Hodges, page 5, ¶ 63-64; fig. 4, fig. 5, ref. 440, 450.

Because Talwar and Hodges do not disclose each element of claims 1, 14, 19, 22, 25, 26, and 37, Applicants submit that claims 1, 14, 19, 22, 25, 26, and 37 are allowable. Applicants further submit that claims 2, 4-13, 15-18, 20, 21, 23, 24, 27-36, and 38 are allowable as depending from allowable claims. Claim 3 is canceled.

With further regards to claim 7, claim 7 includes the limitation "...reserve another performance resource for the grid computing operation, wherein the other performance resource is the same type of performance resource as the reclaimed performance resource." The Examiner cites Lumelsky's teaching of reclaiming resources and administering resources as disclosing this limitation. Applicants respectfully disagree.

Lumelsky does not disclose reserving another resource of the same type of resource as a reclaimed resource. Lumelsky, col. 11, lines 31-56. Instead Lumelsky teaches away from this limitation by disclosing declining requests that have high cost or little revenue. Lumelsky, col. 11, lines 48-54. Applicants therefore submit that claim 7 and similar claim 30 are allowable.

With further regards to claim 11, claim 11 includes the limitation "...synchronize one of the stored client profiles with a local client profile stored on a client..." Claim 10 from which claim 11 depends includes that the limitation "...each of the plurality of client profiles comprising a client performance parameter of a client performance resource available to the grid computing

computing system.” In contrast, Bartlett teaches the synchronization of plug-ins that are requested. Bartlett, page 13, ¶ 175, fig. 14B, ref. 346. However, in Bartlett there is no teaching of synchronizing client profiles with performance parameters for resources available to a grid computing system. Applicants therefore submit that claim 11, and also similar claim 34, are allowable.

### Conclusion

As a result of the presented remarks, Applicants assert that the application is in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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